

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, December 11, 2014**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Paul Alpert (Chair), Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Cory Rhoades, Sharon Soltzberg, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Heidi Gross, Greg Petrini, John Rockwood, Gordon Russell

P. Alpert opened the public meeting at 7:37 pm.

MINUTES:

Motion to approve the minutes of November 20, 2014 (as amended), by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-1, A. Crocker abstained.

ENFORCEMENT & VIOLATION UPDATES:

280 NEHOIDEN STREET:

M. Varrell reported that he had received an anonymous phone call regarding the dumping of a fence at the bottom of a steep slope to the rear of 280 Nehoiden Street. The fence is actually located on Town-owned land, abutting the 280 Nehoiden Street property. Bordering Vegetated Wetlands and associated 100-foot Buffer Zone are located at the bottom of the slope. M. Varrell conducted a site visit and noted other debris in the wetland as well. He attempted to speak to the homeowner but no one was at home. He left his business card and asked the homeowner to call.

The homeowner contacted M. Varrell and denied having any knowledge of where the fence came from. M. Varrell conducted further research and discovered that the homeowner had contacted the Town and complained about people driving into her fence. The Town responded by re-grading the area and installing a curb in front of the house. M. Varrell conducted additional research and discovered photographs of the house with the discarded fencing existing in front of the house. During the initial inspection, M. Varrell had noted that the old fence posts still exist in front the house.

S. Farr asked if there was any chance the fence had been discarded by the DPW. M. Varrell said the homeowner stated the fence had been taken away over a year ago, prior to DPW conducting the curbing improvements. M. Varrell described a tree near the fence had been cut but may have been a hazard tree but he will follow-up with Ed Olsen in Parks & Forestry. The Commission reviewed the draft Enforcement Letter prepared by M. Varrell. The Commission asked M. Varrell to state in the letter what Town entity owns the property.

Motion to authorize M. Varrell to issue the Enforcement Order and Notice of Violation (with fine) to the owner of 280 Nehoiden Street by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.

130 SOUTH STREET:

M. Varrell reported that a consultant had contacted him for filing information as he is putting together a proposal to present to Lana Sokolove and her attorney for the filing of a Notice of Intent and Restoration Plan in accordance with a previously issued Enforcement Order.

HEARINGS

62 BROOKSIDE ROAD – *continued* NOTICE OF INTENT (DEP FILE #234-722)

Applicant: Gordon Russell

Project: Property Utilization and Management Plan including restoration activities associated with the unauthorized removal of trees from Bordering Vegetated Wetlands, Bordering Land Subject to Flooding and the 100-foot Buffer Zone. The Applicant is also proposing the installation of a small “patio” area. The application is made in response to a verbal notice of violation to the Applicant. A portion of the unauthorized alteration occurred on land owned by the Town of Wellesley.

Present for the Applicant: Dr. John Rockwood and Mr. Russell

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents, received August 26, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit, received August 26, 2014
- ❑ Plans entitled (received August 26, 2014): “Conservation Commission Existing Conditions Plan, 62 Brookside Road, Wellesley, MA”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. No. 47581, dated 8/20/14 and “Conservation Commission Proposed Conditions Plan,” prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. No. 47581, dated 8/20/14.
- ❑ “Wildlife Habitat Evaluation for Prior Tree Removal in Bordering Land Subject to Flooding and Bordering Vegetated Wetlands, 62 Brookside Road, Needham, Massachusetts,” prepared by EcoTec, Inc., dated 9/15/14, received September 18, 2014.
- ❑ Letter from EcoTec, Inc., dated September 24, 2014 RE: Wood Chip Removal and Meadow Seeding, 62 Brookside Road and Rosemary Meadow (Town of Wellesley Property), Needham, Massachusetts, received September 25, 2014.
- ❑ Revised Notice of Intent Application (dated 11/25/14) under the MA Wetlands Protection Act and the Town of Needham General Wetlands Protection By-law and supporting documents, prepared by EcoTec, Inc., received 11/25/14.
- ❑ Authorization Letters, dated November 20, 2014, from the Town of Wellesley Department of Public Works, Water and Sewer Division and the Town of Wellesley Natural Resources Commission authorizing the Applicant to submit the NOI for activities on Town of Wellesley land.
- ❑ **Plan entitled (received November 25, 2014): “Conservation Commission Proposed Site Plan 62 Brookside Road 0 Rosemary Meadow Needham, Mass.,” prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. No. 47581, dated 8/20/14 (revised 11/18/14).**

P. Alpert opened the public meeting at 8:00 p.m. Dr. John Rockwood gave the Commission an update on the proposed project and went over the existing and proposed conditions plans that had been submitted with the filing.

Dr. Rockwood presented the following information:

1. The Town of Wellesley approved the Plan as presented at the meeting several weeks ago.
2. All the woodchips have been removed and the area sprayed with tackifier and seed.
3. The hunting tree stand, tree house, rusted metal drums and tanks will be removed.
4. Bounds will be installed to delineate the edge of the mitigation area and property boundaries.
5. Of the twelve (12) trees proposed for removal, the homeowner is now proposing to retain three (3).
6. On the Russell property there will be two (2) larger planting areas installed, as well as two (2) shrub tickets in the meadow area. A total of forty (40) trees are proposed for installation on the Russell property.

7. The Town of Wellesley preferred the Applicant install eighty (80) shrubs instead of trees and to remove invasives such as honeysuckle. In addition, pine tree logs will be distributed on the Town of Wellesley property for additional wildlife habitat.
8. The plantings will be monitored for two (2) years and the meadow will be mowed 2-3x per year during certain times and the 5-foot wide path to the patio will be mowed once a week.
9. The Applicant requested the OOC to include authorization for future tree removal and pruning, as needed.
10. Machinery used to construct the patio will consist of a bobcat or similarly sized machine.
11. J. Rockwood explained that mowing is historical on the property and will help keep some of the invasives out.

Comments from the Commission:

- P. Alpert asked Heidi Gross from the Town of Wellesley, Natural Resources Commission, if the Town was okay with the mowing schedule. H. Gross replied they were happy with mowing three times per year.
- J. Carter Bernardo commented that she was happy with the all-inclusive plan.

Comments from the Agent:

- M. Varrell stated that the Commission is usually opposed to mowing in the Bordering Vegetated Wetlands and the Buffer Zone. P. Alpert stated it's a small area to cut compared to the size of the wetland.

Comments from the public:

None.

Motion to close the public hearing for 62 Brookside Road (DEP File #234-722), by S. Soltzberg, seconded by A. Crocker, approved 7-0-0.

Motion to waive the 25-foot Buffer Zone requirements for 62 Brookside Road (DEP File #234-722), by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.

Motion to issue an Order of Conditions for 62 Brookside Road (DEP File #234-722), by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.

OTHER BUSINESS

REQUEST TO RETURN TO COMPLIANCE LETTER RE: MEMORANDUM OF UNDERSTANDING – PERRAULT ROAD

Greg Petrini and Dr. John Rockwood explained that the work commenced in 2011 and was a six (6) step process. The work proceeded under a strict timeframe with a written monitoring report submitted after each step. The survival rate of restoration plantings is 80% or better. Boneset overtook some of the shrubs so more shrubs were installed. There was no requirement for an As-Built Plan. A fence was installed at the limit of work yard. Signs were installed indicating "No Dumping".

S. Soltzberg asked how successful removal of invasives had been. J. Rockwood replied that the invasives have been greatly reduced over time but some oriental bittersweet seedlings remain. J. Rockwood noted that there had been a problem with Bindweed. They did some mowing to help control it. M. Varrell explained he had conducted a site visit in November and all the plantings looked healthy. G. Petrini noted the area where all the drainage collects to discharge contains sediment that discharges into the wetland. M. Varrell will include a requirement for rip-rap maintenance at the drainage outlet point in the Return to Compliance Letter he has drafted.

Motion to issue a Return to Compliance Letter for Perrault Road by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.

88 ROBINWOOD DRIVE (DEP FILE #234-716) – CERTIFICATE OF COMPLIANCE REQUEST

M. Varrell reported that the Applicant had not had time to install the lawn. He recommends the Commission issue a Partial Certificate of Compliance. The Applicant will be applying for an occupancy permit.

Motion to issue a Partial Certificate of Compliance for 88 Robinwood Drive (DEP File #234-716) by J. Carter Bernado, seconded by S. Soltzberg, approved 7-0-0.

NEEDHAM PUBLIC WORKS DEPARTMENT REPAIR/MAINTENANCE ACTIVITY NOTIFICATION – ROSEMARY LAKE (DEP FILE #234-630)

M. Varrell explained he had received a phone call from Vincent Roy, Superintendent of Water & Sewer regarding Rosemary Lake. V. Roy stated they had noticed Rosemary Lake was higher than it should be at this time of year and upon inspection determined a culvert was full of debris and blocking the flow of water out of the lake. As approved by M. Varrell, the DPW had to lower the level of the lake a couple of feet to clean out the culvert. The work is complete. At the request of M. Varrell, V. Roy submitted the after-the-fact Repair/Maintenance Activity Notification. The Request was accepted by the Commission and signed by P. Alpert.

REVIEW OF WETLANDS PROTECTION FUND INFORMATION

At a previous Commission meeting, M. Varrell had discussed with the Commission the revisions to job descriptions within the Conservation Department and the proposed future usage of the Wetlands Protection Fund. M. Varrell explained that he had researched the statute to determine for what purposes the funds can be used. He found that the funds can only be used for salaries and minor training opportunities. There is no opportunity to use money from this fund for other Commission land management projects. M. Varrell had provided the Commission with a Guidance Document to review. M. Varrell stated he did not any reason not to continue using \$5400/year from the fund to pay a portion of the Conservation Specialist position as they have in the past. P. Alpert questioned whether hiring of Consultants could come from the fund. M. Varrell explained that the operating budget has funding to pay for consultants and that the WPA allows for consultant costs to be billed to the applicant, in most cases. M. Varrell explained he had gone before the Finance Committee recently to present the FY2016 budget, which includes an increase to the Conservation Specialist's hours to 30 hours per week. He had given them examples of how the increased hours could be used so M. Varrell and/or D. Anderson could delineate wetlands for Town projects, on behalf of the Town, removing the necessity to hire outside Wetland Scientists, thereby saving the Town money. He highlighted the fact that he and D. Anderson had acted as wetland consultants to the Town on the Rail Trail project and that there will likely be additional Town projects in the future for which the Conservation Department can assist. M. Varrell reported that the Finance Committee seemed amenable to the proposed budget, but no firm guarantees were made as to its approval.

Motion to adjourn the meeting by J. Carter Bernardo, seconded by S. Soltzberg, approved 7-0-0.
The meeting was adjourned at 9:20 pm.

NEXT PUBLIC HEARING

Thursday, January 8, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.